

RECEIVED
CENTRAL FAX CENTER

MAR 14 2007

Docket No. F-6917

Ser. No. 09/816,204

REMARKS

Claims 1, 4-6, 8 and 10 remain pending in this application. Claims 1, 4-8 and 10 are rejected. Claim 7 is cancelled herein. Claims 2-3, 9 and 11 are previously cancelled. Claims 1, 6, 8 and 10 are amended herein to clarify the invention and clean versions of the claims as amended are appended hereto.

INTERVIEW ACKNOWLEDGMENT AND SUMMARY

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on March 7, 2007 and extend their thanks to the Examiner for his time and consideration. During the interview agreement was reached that the claim rejections under 35 U.S.C §112, first and second paragraphs would be overcome by the proposed claim amendments provided for review during the interview, and two further amendments agreed upon in the interview. The amendments include:

1. Amending the claims to recite: said first texture including a mixing ratio of the first texture which affects drawing of another texture onto the first texture so as to determine a mixing of the first texture and the another texture.
2. Amending the claims to remove recitation of "another texture."
3. Amending the claim to recite "the first texture and the second texture are mixed to effect transparency based on said mixing ratio of said first texture to effect the drawing of the second texture onto the first texture."

Docket No. F-6917

Ser. No. 09/816,204

Agreement was further reached that the introduction of the "transparency" feature in the independent claims would distinguish over the Goddard reference. While applicants maintain that the claims as presented were distinguishing over the reference, in order to avoid confusion regarding the term "mixing," this term is now clarified to reflect that mixing achieves transparency, a feature which was believed inherent.

The above noted agreed upon items were to be stated in an Examiner Interview Summary to be prepared and issued by the Examiner. As of the date of this amendment, the PAIR system does not indicate that such summary has been prepared or entered.

In the interview the Examiner contended that the Goddard reference might be considered to show mixing wherein the mixing ratio for textures was "1" and "0". It is submitted as readily evident that such a scenario, by definition, does not present mixing as mixing requires a *mixture* of two components result and the mixing ratios proposed by the Examiner would clearly not provide a mixture as "0" as a ratio would totally eliminate a component. It is requested that the Examiner cease interpreting mixing as covering a situation wherein the mixing ratio for textures is "1" and "0".

The Examiner further agreed in the interview that if the proposed amendments were submitted that a following Office Action would not be made final if a Request for Continued Examination were filed. Further details of the interview

Docket No. F-6917

Scr. No. 09/816,204

discussions are presented below in relation to the pertinent subject matter of the Office Action.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH,
ENABLEMENT REQUIREMENT**

Claims 1, 4-8 and 10 are rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification. Applicant herein respectfully traverses this rejection.

During the interview, as related above, this rejection was discussed. Applicant did not understand the Examiner's apparent concern with the claim language regarding how the first texture affects the drawing of another, or the effect of gradation produced by the mixing of textures. However, it was agreed that the amendments presented above would resolve the first paragraph rejection.

Claim 6 is amended to recite that the first texture undergoes gradation by the second texture resulting from the mixing. This is clearly supported by figures 8 and 9. This amendment was agreed upon during the interview as removing grounds for the first paragraph rejection.

Applicants would also like to further point out an apparent misconception evidenced by this rejection in order to avoid the need to traverse future rejections which may be based thereon. The Examiner states that the " 'second texture' is related to the 'first texture' by projectively transforming the three-dimensional

Docket No. F-6917

Ser. No. 09/816,204

coordinates of the vertexes of the polygon drawn by the polygon drawing means.” This is only correct in its broadest interpretation since the projection determines the portion of the second texture to eventually be mixed with the first texture. The statement in the Office Action that “the second texture is related to the projection of the first texture on the two-dimensional plane” evidences a misunderstanding of the invention and the art by the Examiner. The specification merely requires that the three-dimensional vertexes of the *polygon* be projected onto the plane. There is absolutely no mention that the first texture is projected onto the plane and the specification makes no requirement that this be done or not be done. Therefore, it follows that the further statement in the Office Action that “the first texture becomes the second texture after projection” has no basis in the specification. The final displayed texture of the polygon is a mixing of the first and second textures.

In view of the above, applicants respectfully submit that *one skilled in the art of computer graphic system design*, would readily be able to implement the claimed present invention without undue experimentation based on a reading of the specification as filed. Therefore, reconsideration of the rejection claims 1, 4-8 and 10 and the objection to the specification are earnestly solicited.

MAR 14 2007

Docket No. F-6917

Ser. No. 09/816,204

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1, 4-8 and 10 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of alleged informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action as agreed upon during the interview. Therefore, reconsideration of the rejection of claims 1, 4-8 and 10 and their allowance are earnestly requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1, 8 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Goddard reference. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

The teaching of the Goddard reference is not at all similar to the claimed invention. Goddard discloses displaying the object 1 on the displayed picture in consideration of the Z-coordinate and varying the X/Y coordinate data of the polygon

Docket No. F-6917

Ser. No. 09/816,204

constituting the object 1 to move the object 1 in the display frame memory producing on the displayed picture. However, although Goddard teaches moving the polygon of the human on the display, Goddard does not teach or suggest moving the texture on the polygon of the human by varying the coordinates of the texture such that the texture thus moved appears to be a moving image, as required in the claims with regard to the second texture and the polygon of the claims. Applicant has reviewed the Goddard reference and cannot find any hint of realizing a moving-picture like display of a texture relative an object of the texture by moving the position of the texture on the polygon of the object, and especially with mixing two textures.

During the interview it became apparent that the Examiner was reading the claim language in a manner that dissociated the first and second textures from "the polygon" of the claim. It appears the Examiner has chosen to interpret the polygons of the human in the Goddard figures as including the second texture, and that the displaying of the human moving in front of the tree draws the second texture onto the polygons of the tree having the first texture. Applicant respectfully submits that the Examiner's reading ignores basic requirements of the claim language prior to this amendment as detailed below. Furthermore, applicant submits that the Examiner's reading is not a reasonable interpretation that *one skilled in the art* would arrive at. Additionally, applicant submits that the present amendments rule out the Examiner's reading of the claims on the Goddard reference.

Docket No. F-6917

Ser. No. 09/816,204

The claims require that the two-dimensional vertex coordinates of the second texture be produced by “projectively transforming three-dimensional coordinates of vertexes of the polygon of the three-dimensional object, drawn by the polygon drawing means, onto an imaginary two-dimensional plane which is prepared in advance and corresponds to two-dimensional coordinates of the second texture.” This is clearly not done in the Goddard reference even assuming the Examiner’s interpretation that a polygon of the tree is the polygon of the claim, the tree texture is the first texture, the human texture is the second texture, and the human walks in front of the tree thereby occluding the polygon of the tree which the Examiner supposes is the polygon of the claim. This is because there is no reason to project the vertexes of the polygon of the tree onto the texture of the human. It is well understood by those skilled in the art that the polygons of the human, and therefore human texture drawn on those polygons, will simply be written into the frame memory in the location occupied by the polygon of the tree when the human moves in front of the tree. There is no calculation *projectively transforming* the vertexes of the *polygon* of the *human* onto the *tree texture*. The Examiner merely cites column 6, lines 10-36 which certainly do not provide a basis for such an operation. If the Examiner believes otherwise, it is requested that the Examiner specifically identify the text in the Goddard reference that teaches this feature.

While the above noted distinguishing feature is submitted as more than sufficient for overcoming the anticipation rejection, applicant has made further

Docket No. F-6917

Ser. No. 09/816,204

amended to the claims to prevent the Examiner's aforementioned interpretation. The amendments to the claims now clearly identify that the polygon of the claim is "a polygon of the three-dimensional object" throughout the claim text. Therefore, since the polygon is of the same three-dimensional object, the Examiner cannot read the polygon of the claim onto a polygon of a tree in one instance, and a polygon of a human in another instance.

Furthermore, the claims language now clearly relates "a first texture representative of a surface of the three-dimensional object," and a second texture "wherein the second texture is also representative of the surface of the three-dimensional object." This wording now avoids a reading that the second texture is a human texture while interpreting the first texture to be a tree texture. Both the first and second textures are of the surface of the same three-dimensional object and hence, the polygon of the same surface.

Moreover, the Goddard reference is totally devoid of the claimed texture moving means. The Examiner believes that the Goddard reference in moving the human in front of the tree somehow varies the two dimensional coordinates of the texture used on the human. This is clearly not done because the coordinates of the human texture in any standard rendering technique would be fixed in relation to the vertex coordinates of the polygons making up the human. Otherwise, the human would appear to have skin moving over the surface of his body. The Examiner appears to misconstrue the coordinates in the display frame of the Goddard

Docket No. F-6917

Ser. No. 09/816,204

reference wherein the human polygon and its texture are written, as being the two-dimensional coordinates of the second texture. The claim language "an imaginary two-dimensional plane which is prepared in advance and corresponds to two-dimensional coordinates of the second texture" is clearly incompatible with the reading on the display frame of Goddard:

The fact that the two-dimensional coordinates that are varied are of the texture itself, and not the polygon, appears not to have been appreciated in the rejection set forth. This is evidenced by the rejection relating that column 14, line 50-67 disclose "varying the three dimensional coordinate data for the polygon depending upon the count values of the X counter and the Y counter." This variance of the polygon coordinates in three-dimensional space has nothing to do with the claimed varying of the two dimensional coordinates of the texture. For the Examiner's information, the coordinate changes of the 3-D object of the present invention are done before any of the claimed invention operations are done and varying the 3-D coordinates is not recited in the claims. That is, the three-dimensional coordinates of the polygon of the three-dimensional object are already set when the projection is done. The claim has nothing to do with varying these 3-D coordinates.

Since the features of the above referenced claims are not specifically recited in the Goddard, the reference must be sufficient to support an inherent disclosure of the subject matter for the Examiner to rely on it. In *In re Rijckaert*, 28 USPQ2d

Docket No. F-6917

Ser. No. 09/816,204

1955 (CAFC 1993) the Examiner appears to merely assumed various features were in the reference and relied upon inherency to provide a teaching of the various features of a rejected claim which were not explicitly stated or implied in the reference. The Court of Appeals of the Federal Circuit stated that:

"The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient [to establish inherency.]" *In re Oelrich*, 666 F.2d 578# 581-82, 212 USPQ 323, 326 (CCPA 1981) (citations omitted) (emphasis added). "That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown." *In re Spormann*, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1966). Such a retrospective view of inherency is not a substitute for some teaching or suggestion supporting an obviousness rejection. See *In re Newell*, 891 F.2d 899, 901, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

In re Rijckaert, 28 USPQ2d 1955, 1958 (CAFC 1993). The court concluded that the Examiner had failed to even state a *prima facie* case of *obviousness*, much less *anticipation*, because of the unfounded assumptions of the Examiner and therefore indicated that the applicant need not have rebutted the rejection with arguments against a finding of obviousness.

In view of the above, it is respectfully submitted that claims 1, 8 and 10 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 8 and 10 and their allowance are respectfully requested.

RECEIVED
CENTRAL FAX CENTER

MAR 14 2007

Docket No. F-6917

Scr. No. 09/816,204

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 4-7 are rejected as obvious over the Goddard reference in view of the Suzuki and Yasui references under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary Suzuki and Yasui references does not provide the teaching noted above with respect to the anticipation rejection that is absent from the primary Goddard reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 4-7 and their allowance are respectfully requested.

022/029
RECEIVED
CENTRAL FAX CENTER
MAR 14 2007

Docket No. F-6917

Ser. No. 09/816,204

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

RECEIVED
CENTRAL FAX CENTER

MAR 14 2007

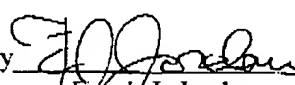
Docket No. F-6917

Ser. No. 09/816,204

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

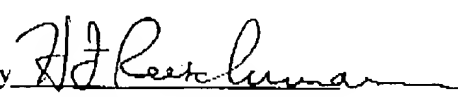
Respectfully submitted,
JORDAN AND HAMBURG LLP

By


Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

and,

By


Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340